

REMARKS

1. In response to the Office Action mailed on November 23, 2005, Applicants respectfully request reconsideration. Claims 1-7 and 9-15 were last presented for examination. All claims were rejected in the outstanding Office Action. By the foregoing Amendments, claims 1, 2, 6 and 7 have been amended. No claims have been added or canceled. Thus, upon entry of this paper, claims 1-7 and 9-15 will remain pending in this application. Of these fourteen (14) claims, two (2) claims (claims 1 and 6) are independent. Based on the above Amendments and following Remarks, Applicants respectfully request that the outstanding objections and rejections be reconsidered, and that they be withdrawn.

2. Support for the amendments to claims 1 and 6 is found in the specification in paragraph 27 and in figures 1A-3A, as well as elsewhere throughout the originally filed specification, drawings and claims.

Art of Record

3. Applicants acknowledge receipt of form PTO-892 listing additional references identified by the Examiner.

4. Applicants thank the Examiner for returning the form PTO/SB/08A filed by Applicants on September 12, 2005, which has been initialed by the Examiner indicating consideration of the references cited therein.

Claim Objections

5. Independent claims 1 and 6 and dependent claims 2 and 7 are objected to since said claims recite, "adapted to". Applicants have amended claims 1, 2, 6 and 7 to overcome these objections. Applicants respectfully request that these objections be withdrawn.

Claim Rejections

6. Independent claims 1 and 6 and dependent claims 2-5, 9-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent No. 5,564,930 to Yu (hereinafter, "Yu '930") in view of U.S. Patent No. 6,059,386 to Yu (hereinafter, "Yu

'386"). Based on the above Amendments and following Remarks, Applicants respectfully request that these rejections be reconsidered, and that they be withdrawn.

7. Claim 1, as currently amended, recites in part "a plurality of *substantially planar* interchangeable access panels each removably attachable to the partially-assembled chassis so as to occupy at least a portion of the exterior wall vacancy...". (See, Applicants' claim 1; emphasis added.) Similarly, claim 6, as currently amended, recites in part a "plurality of interchangeable access panels, wherein each access panel is *substantially planar*...". (See, Applicants' claim 1; emphasis added.)

8. The Examiner asserts that Yu '930 teaches all limitations of previously presented claims 1 and 6, except for the feature of "at least one exterior wall is entirely vacated." (See, Office Action, page 3.) The Examiner cites Yu '386 for teaching "a computer chassis for an electronic device comprising a vacated exterior wall (20) which can be placed in the vacated portion to complete the full assembly of the chassis." (See, Office Action, page 3.) To support the motivation to combine these two references, the Office Action states that it "would be obvious to one of ordinary skill in the art at the time of the invention was made to modify the interchangeable access panel of Yu '980 to include the entire rear panel as taught by Yu '386 "to provide better access to the components of the computer system..." (See, Office Action, page 4.) In addition, the Examiner claims to address the previously lack of motivation by stating that "the examiner has explicitly cited motivation in the second Yu reference." (See, Office Action, page 4.)

9. Claims 1 and 6 have been amended to clearly the feature that the interchangeable access panels are substantially planar. As clearly shown and stated by Yu '386, the detachable board 20 is an inverted L-shape, contains a top plate 21 and a front plate 22. (See, Yu '386, Col. 2, lines 14-16; FIGS. 2-3.) Thus, the detachable board 20 is clearly not substantially planar as currently claimed by 1 and 6. There is no teaching or suggesting in Yu '386 for an access panel in substantially planar. Furthermore, although Yu '980 does provide an access panel in substantially planar, Yu '980, as admitted, fails to teach that at least one exterior wall is entirely vacated and still fails to teach every element of the claimed invention. Therefore, the combination of Yu '980 and Yu '386 fails to teach (1) at least one exterior wall is entirely vacated and (2) that the interchangeable access panel is

substantially planar. Thus, the Examiner has failed to properly reject every element of the claimed invention.

10. Furthermore, the Examiner has not provided proper support for the assertion that one of ordinary skill, without having the benefit of Applicants' novel teachings before them, would have been motivated to combine the teachings of the two references. Applicants respectfully argue that the Examiner failed to articulate a suggestion or motivation to combine the references and thus failed to establish a *prima facie* case of obviousness as required by law and under MPEP Sections 706.02(j) & 2143. (*See, In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998) ("To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness.").) Sufficient evidential support for the motivation to combine must be shown in the prior art suggesting a combination of references. (*See, In re Lee*, 277 F.3d 1338, 1343 (Fed. Cir. 2002); *see also, In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000) ("[P]articular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.").)

11. The only statement regarding the motivation to combine Yu '980 with Yu '386 to reject claims 1 and 6, is "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the interchangeable access panel of Yu '930 to include the entire rear panel as taught by Yu '386 to provide better access to the components of the computer system." (*See, Office Action*, page 4.) The Examiner fails to provide motivation in two ways. First, the Examiner fails to cite any passage of Yu '980 that would motivate one of ordinary skill in the art to combine the teachings of Yu '386. A bald assertion of "better access" is not a substitute for the absent of objective reasons, sufficient evidence and reasoned findings. The Examiner has not objectively explained the motivation to combine Yu '980 with Yu '386, and thus based on Federal Circuit precedent it can be reasonable assumed the Examiner selected the references with the assistance of hindsight. (*See, In re Rouffet*, 149 F.3d 1350, 1358 (Fed. Cir. 1998).) The Federal Circuit has repeatedly stated that the use of hindsight must be guarded against by having the Examiner provide sufficient evidence to support the motivation. (*See, e.g., In re Rouffet*, 149 F.3d 1350 (Fed. Cir. 1998); *In re Dembiczak*, 175 F.3d 994 (Fed. Cir. 1999).)

Therefore, without proper objective evidence the Examiner fails to establish a proper *prima facie* case of obviousness to combine Yu '980 with Yu '386, and thus the rejection of claims 1 and 6 should be withdrawn.

12. Second, the motivation to combine fails because the Examiner improperly stated that "the interchangeable access panel of Yu '930 to include the *entire rear panel* as taught by Yu '386." (*See*, Office Action, page 4; emphasis added.) Yu '386 does not teach or suggest an entire rear panel. Yu '386 is directed towards a detachable board for the entire *front* of the computer chassis having a top portion and no base portion. (*See*, Yu '386; col. 1, lns. 42-48; emphasis added.) Yu '980 is directed towards an access panel that is placed in a window on the *rear* of a computer chassis. (*See*, Yu '980; col. 3, lns. 54-60; emphasis added.) Thus, a correct statement using the Examiner's logic would mean that the interchangeable access panel of Yu '930 would need to be combined with, if motivation existed, the entire front panel having a top portion of Yu '386. Even this combination of the cited prior art references fails to teach every claim elements of claims 1 and 6.

13. Further, the difference between Yu '386 (front) and Yu '980 (rear) clearly negates any motivation for combining one reference with the other. In Yu '386 the front panel is removed and provides "a computer case, which facilitates the replacement, update and maintenance of computer equipment." (*See*, Yu '386; Col. 1, lines 40-42.) The computer equipment in Yu '386 includes hard disk drives, floppy drives, and CD-ROM driver. (*See*, Yu '386; Col. 2, lns. 17-20.) These components are typically accessed through the front of the computer chassis. Although, these components are connected to the motherboard, a change in the motherboard would not necessary require a change in the configuration of components in Yu '386. Yu '386 provides a front and top portion that allows access without regard to the configuration of the motherboard. In contrast, Yu '980 describes a panel in the rear window that is removed to provide access for card slots to differently configured motherboards. (*See*, Yu '980; Col. 5, lns. 26-41.) The card slots are in the rear of the computer chassis mount directly on the motherboard. Thus, a change in the motherboard would result in a change in the arrangement of the card slots. Yu '980 provides interchangeable panels to align with the change in the motherboard. Therefore, Yu '980 and Yu '386 are directed to different problems and describe different structures which are not combinable components. Therefore, the Examiner fails to establish a proper

prima facie case of obviousness to combine Yu '980 with Yu '386, and thus the rejection of claims 1 and 6 should be withdrawn for these additional reasons.

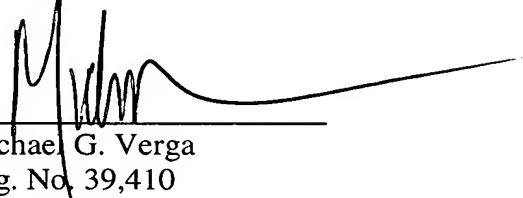
Dependent Claims

14. The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter which makes them a fortiori and independently patentable over the art of record. Accordingly, Applicants respectfully request that the outstanding rejections of the dependent claims be reconsidered and withdrawn.

Conclusion

15. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

Respectfully submitted,



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